

Decision Record
Denny Creek Fiber Optic Line OR 60164

Recommendation

I recommend that a right-of-way for the construction, use, and maintenance of a buried fiber optic telecommunication cable be granted to Pine Telephone System, Inc. The right-of-way would be located on the following public lands:

WM, T. 11S., R. 39E., sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

The length and width of the right-of-way is to be 1400 feet by 15 feet. Because the subject facility is a fiber optic cable, the term of the grant should be 10 years, in accordance with Instruction Memorandum No. 2001-080.

The right-of-way should be granted pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and be subject to the attached stipulations, which include those derived from mitigation measures in the application and environmental assessment as well as standard District and Resource Area stipulations. No rental is to be charged, since the project is a telephone facility eligible for financing pursuant to the Rural Electrification Act of 1936 (43 CFR 2803.1-2(b)(1)(iii)).

Rationale

The proposed action is a small segment of the applicant's Black Mountain Fiber Optic project. Most of the Black Mountain project is located on National Forest land and has been permitted by the Forest Service. The project will provide improved and more dependable telephone service, including enhancement of communications in times of emergencies, to residents in the area. The environmental assessment prepared for the project indicates only minimal impacts would occur to resources on public lands. The action conforms to the Baker Resource Management Plan, approved July 12, 1989, and is compatible with the Baker County zoning. It will not interfere with other uses of the public lands, with use of nearby private land, or with long-term public access. It will not have an adverse impact on the production of energy.

s/Steve Davidson

May 24, 2004

Realty Specialist

Date

Decision

The recommendation and its rationale are adopted as my decision.

s/Penelope Dunn-Woods

May 24, 2004

Field Manager

Date